

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-160548
	:	C-160559
Plaintiff-Appellee,	:	TRIAL NO. B-1404725
vs.	:	
ROGER MOORE,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Roger Moore admitted that he had engaged in a two-year sexual relationship with his live-in girlfriend's daughter starting when she was 13 years old. The illicit relationship resulted in the child becoming pregnant. The pregnancy was terminated by an abortion at 23-week gestational age. Moore now questions whether the trial court sufficiently stated the rationale for consecutive-sentences in open court. We affirm.

Moore pled guilty to sexual battery and four counts of unlawful sexual conduct with a minor. The trial court sentenced him to three-year terms for each count and ordered Moore to serve three counts of unlawful sexual conduct with a minor consecutively, for a total of nine years. It ordered that Moore serve the remaining two counts concurrently.

In his sole assignment of error, Moore argues that the trial court erred when it sentenced him to consecutive sentences without announcing the consecutive-sentences findings in open court.

In order to impose consecutive sentences under R.C. 2929.14(C)(4), the court must perform a three-step analysis and make certain findings. *State v. Alexander*, 1st Dist. Hamilton Nos. C-110828 and C-110829, 2012-Ohio-3349, ¶ 13 and 16. First, the court must find that consecutive sentences are necessary to protect the public or to punish the offender. Second, the court must find that consecutive sentences are not disproportionate to the offender's conduct and to the danger the offender poses to the public. Finally, the court must find that at least one of the following applies: (1) the offender committed one or more of the offenses while awaiting trial or sentencing, while under a sanction imposed under R.C. 2929.16, 2929.17, or 2929.18, or while under postrelease control for a prior offense; (2) at least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the offenses was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct would adequately reflect the seriousness of the offender's conduct; or (3) the offender's criminal history demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender. *Id.* at ¶ 15.

Moore is correct that the trial court did not recite the consecutive-sentences requirements verbatim from the statute in open court. However, as long as the findings for the sentence are apparent from the record, no talismanic words are required. *Id.* at ¶ 16. It is clear from the record that the court weighed the severity of Moore's conduct and the impact on the victim in determining the appropriate sentence. We are convinced that the trial court imposed consecutive sentences because it found that (1) doing so was necessary to punish Moore, (2) consecutive sentences would not be disproportionate to Moore's conduct and the danger he poses to the public, and (3) the offenses were committed as part of multiple courses of conduct and the harm caused by the offenses was so great or unusual that no single prison term would adequately reflect the seriousness of Moore's conduct.

As a result, we overrule Moore's sole assignment of error and affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**MOCK, P.J., CUNNINGHAM and MILLER, JJ.**

To the clerk:

Enter upon the journal of the court on March 17, 2017  
per order of the court \_\_\_\_\_.

Presiding Judge